

PATENT APPLICATION
Docket No: 9312.52

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(c)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Delta Valve USA, LLC (“Owner”), a Utah corporation, by and through Michael F. Krieger, its attorney of record, states that it is the assignee of the entire right, title, and interest in and to the patent application identified above by virtue of an assignment from the inventor. The assignment was recorded in the United States Patent and Trademark Office at Reel 015256, Frame 0412.

Pursuant to 37 C.F.R. § 1.321(c), Owner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§

154 to 156 and 173, as presently shortened by any terminal disclaimer, of copending Application No. 10/997,834. Owner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Owner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

DATED this 8 day of April, 2005.

Respectfully Submitted,

Michael F. Krieger

Attorney of Record

Registration No. 35,232

KIRTON & McCONKIE

1800 Eagle Gate Tower

60 East South Temple

Salt Lake City, UT 84111

(801) 328-3600

THB:lc
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